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713

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re patent application of

Stephen R. ASH

Serial No.: 09/143,143

Filed: August 28, 1998

METHOD FOR IRON DELIVERY TO A  
PATIENT BY TRANSFER FROM  
DIALYSATE

Before the Examiner

Group Art Unit 1646

January 15, 1999

RESPONSE TO  
NOTICE TO FILE MISSING PARTS OF APPLICATION  
Filing Date Granted

BOX MISSING PARTS

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Pursuant to the Notice to File Missing Parts of Application mailed September 16, 1998 for the above application, Applicant submits herewith a check in the amount of \$653.00, reflecting the basic small entity filing fee of \$380.00; the small entity fee of 18.00 for two (2) claims in excess of 20; the small entity extension of time fee for two (2) months of \$190; and the small entity surcharge of \$65.00 under 37 CFR §1.16(e) for payment of the filing fee after the filing date.

395  
65

RESPONSE TO NOTICE TO FILE MISSING PARTS  
Serial No. 09/143,143  
Attorney Docket No. 37011-3  
Page 1 of 2

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on January 15, 1999.

GREGORY B. COY

Name of Registered Representative

G. B. Coy  
Signature

January 15, 1999  
Date of Signature

Additionally, please provide any additional extensions of time which may be necessary and charge any fees which may be due to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted

By: Gregory B. Coy  
Gregory B. Coy  
Reg. No. 40,967  
Woodard, Emhardt, Naughton,  
Moriarty & McNett  
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111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
(317) 634-3456

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL**  
**for FY 1999**

Patent fees are subject to annual revision.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

**TOTAL AMOUNT OF PAYMENT** (\$ 653.00)**Complete if Known**

|                      |                          |
|----------------------|--------------------------|
| Application Number   | 09/143,143               |
| Filing Date          | August 28, 1998          |
| First Named Inventor | Stephen R. ASH           |
| Examiner Name        |                          |
| Group / Art Unit     | 1646                     |
| Attorney Docket No.  | 37011-6 (New Docket No.) |

**METHOD OF PAYMENT (check one)**

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 23-3030  
 Deposit Account Name Woodard, Emhardt et al.

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- 2.
- ☒
- Payment Enclosed:

☒ Check ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 101 760                    | 201 380                    | Utility filing fee     | 380.00   |
| 106 310                    | 206 155                    | Design filing fee      |          |
| 107 480                    | 207 240                    | Plant filing fee       |          |
| 108 760                    | 208 380                    | Reissue filing fee     |          |
| 114 150                    | 214 75                     | Provisional filing fee |          |

**SUBTOTAL (1)** (\$ 380.00)**2. EXTRA CLAIM FEES**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 22                 | -20** = 2    | 9              | 18.00    |
| 3                  | -3** = 0     | 0              | 0        |
| Multiple Dependent |              | 0              | 0        |

\*\*or number previously paid, if greater; For Reissues, see below

**Large Entity Small Entity**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  |
|----------------------------|----------------------------|--|
| 103 18                     | 203 9                      | Claims in excess of 20                                     |
| 102 78                     | 202 39                     | Independent claims in excess of 3                          |
| 104 260                    | 204 130                    | Multiple dependent claim, if not paid                      |
| 109 78                     | 209 39                     | ** Reissue independent claims over original patent         |
| 110 18                     | 210 9                      | ** Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2)** (\$ 18.00)**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  | Fee Paid |
|----------------------------|----------------------------|--|----------|
| 105 130                    | 205 65                     | Surcharge - late filing fee or oath  | 65.00    |
| 127 50                     | 227 25                     | Surcharge - late provisional filing fee or cover sheet.                    |          |
| 139 130                    | 139 130                    | Non-English specification  |          |
| 147 2,520                  | 147 2,520                  | For filing a request for reexamination                                     |          |
| 112 920*                   | 112 920*                   | Requesting publication of SIR prior to Examiner action                     |          |
| 113 1,840*                 | 113 1,840*                 | Requesting publication of SIR after Examiner action                        |          |
| 115 110                    | 215 55                     | Extension for reply within first month                                     |          |
| 116 380                    | 216 190                    | Extension for reply within second month                                    | 190.00   |
| 117 870                    | 217 435                    | Extension for reply within third month                                     |          |
| 118 1,360                  | 218 680                    | Extension for reply within fourth month                                    |          |
| 128 1,850                  | 228 925                    | Extension for reply within fifth month                                     |          |
| 119 300                    | 219 150                    | Notice of Appeal   |          |
| 120 300                    | 220 150                    | Filing a brief in support of an appeal                                     |          |
| 121 260                    | 221 130                    | Request for oral hearing   |          |
| 138 1,510                  | 138 1,510                  | Petition to institute a public use proceeding                              |          |
| 140 110                    | 240 55                     | Petition to revive - unavoidable   |          |
| 141 1,210                  | 241 605                    | Petition to revive - unintentional   |          |
| 142 1,210                  | 242 605                    | Utility issue fee (or reissue)   |          |
| 143 430                    | 243 215                    | Design issue fee   |          |
| 144 580                    | 244 290                    | Plant issue fee  |          |
| 122 130                    | 122 130                    | Petitions to the Commissioner  |          |
| 123 50                     | 123 50                     | Petitions related to provisional applications                              |          |
| 126 240                    | 126 240                    | Submission of Information Disclosure Stmt                                  |          |
| 581 40                     | 581 40                     | Recording each patent assignment per property (times number of properties) |          |
| 146 760                    | 246 380                    | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 149 760                    | 249 380                    | For each additional invention to be examined (37 CFR 1.129(b))             |          |

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 255.00)**SUBMITTED BY**Typed or Printed Name Gregory B. CoySignature G B CoyDate January 15, 1999**Complete (if applicable)**Reg. Number 40,967Deposit Account User ID 23-3030

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

|                                  |                                 |                              |   |
|----------------------------------|---------------------------------|------------------------------|---|
| APPLICATION NUMBER<br>09/143,143 | FILING/RECEIPT DATE<br>08/28/98 | FIRST NAMED APPLICANT<br>ASH | ATTORNEY DOCKET NO./TITLE<br>S 11002812 |
|----------------------------------|---------------------------------|------------------------------|---|

0262/0916

GREGORY B COX  
WOODARD EMHARDT NAUGHTON  
MORIARTY AND MCNETT  
111 MOUMENT CIRCLE -SUITE 3700  
INDIANAPOLIS IN 46204

NOT ASSIGNED

DATE MAILED: 09/16/98

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of **\$495.00** for a small entity in compliance with 37 CFR 1.27, or **\$130.00** for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☒ small entity (statement filed) ☐ non-small entity is \$ 695.00

☐ 1. The statutory basic filing fee is:

- ☐ missing  
☐ insufficient

Applicant must submit \$ 325.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.

\$ 225.00 for \_\_\_\_\_ independent claims over 3.

\$ 33.00 for \_\_\_\_\_ dependent claims over 20.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☐ is missing or unexecuted.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☒ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

FORM PTO-1533 (REV.9-97)

BEST AVAILABLE COPY

02/01/1999 SLIP61 00000218 09143143

355.00  
55.00

01 FEB 2001  
02 FEB 2005